

If no party objects to a Magistrate Judge’s Report and Recommendation, the Court need only review the Magistrate Judge’s report to determine whether the findings and recommendations are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F.

Supp. 3d 863, 864 (W.D. Tex. 2016) (citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court reviewed the Report and Recommendation pertaining to Plaintiffs' Reurged Motion for Leave to Amend and finds it to be neither clearly erroneous nor contrary to law.

Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation that the motion be dismissed without prejudice to being renewed at trial on an evidentiary record.

Defendant Wounded Warrior Project's Motion for Summary Judgment

WWP filed objections to Magistrate Judge Chestney's Report and Recommendation as it pertained to WWP's Motion for Summary Judgment.

This Court shall make a *de novo* review of those portions of any Report and Recommendation to which any party objects. 28 U.S.C. § 636(b)(1)(C); *see also Longmire v. Guste*, 921 F.2d 620, 623 (5th Cir.1991). In conducting a *de novo* review, the Court will examine the record pertinent to the objections and must conduct its own analysis of the applicable facts and make an independent assessment of the law. This Court is not required to give any deference to the magistrate judge's findings. *See United States v. Raddatz*, 447 U.S. 667, 689 (1980) (Stewart, J., dissenting) ("The phrase 'de novo determination' has an accepted meaning in the law. It means an independent determination of a controversy that accords no deference to any prior resolution of the same controversy."); *Shiimi v. Asherton Indep. Sch. Dist.*, 983 F.2d 233, 1993 WL 4732, at *3 n. 18 (5th Cir. Jan. 8, 1993). The Court will not conduct a *de novo* review pertaining to any objections that are frivolous, conclusive or general in nature. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).


This Court conducted a *de novo* review of WWP's objections to the Report and Recommendation and carefully reviewed the record. At this time, a genuine issue of material fact exists which precludes summary judgment as to Plaintiffs' negligence cause of action against WWP.

Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation that WWP's Motion for Summary Judgment be DENIED.

This Court ACCEPTS and ADOPTS Magistrate Judge Chestney's Report and Recommendation in its entirety.

It is ORDERED Plaintiffs' Reurged Motion for Leave to File Third Amended Complaint (Doc. No. 57) be DISMISSED WITHOUT PREJUDICE, and Defendant's Motion for Summary Judgment (Doc. No. 73) be DENIED.

SIGNED this 7th day of October, 2019.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE